

REMARKS

Claims 28-38 are pending in the present application. Claim 28 and 37 were amended in this response. New claim 38 has been added in this response. No new matter has been introduced as a result of the amendments.

Claim 29 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the present cancellation of claim 29, applicant respectfully submits the rejection is moot.

Claims 28 and 30-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over alleged Applicant's Admitted Prior Art (APA) in view of *Baratz et al.* (US Patent 5,742,596). Applicant respectfully traverses these rejections. Favorable reconsideration is earnestly requested.

The present amendments to claims 28 and 37 further clarify that the terminal device operates under two signaling protocols for two different types of telecommunications, which use two protocol stacks for processing the two protocols (see specification page 15, lines 1-7). Accordingly, bits of signaling information, configured to a circuit-switched standard, are additionally transmitted in the packet-switched network up to the terminal of the packet-switched network, and a protocol stack for the circuit-switched signaling is added to the protocol stack for the packet-switched signaling for the processing of the bits of signaling information under the claimed configuration. As such, all performance features known from the circuit-switched networks can be determined instantly in the terminal of the packet-switched network.

The "Description of the Prior Art" generally discloses that under the H.323 architecture, H.225 signaling allows the transmission of some signaling packets in a packet switched communication using a gatekeeper of the packet-switched communication network (page 2, line 7 - page 3, line 9). However, the section relied upon by the Office Action fails to teach or suggest the protocol stack configuration where first signaling information is communicated between the communication network and the data processing device through the interface with the assistance of signaling packets of the packet-switched communication network, and the second signaling information is communicated between the communication network and the data

processing device through the interface with the assistance of data packets of the packet-switched communication network.

Baratz however, fails to solve the deficiencies described above. Baratz discloses a terminal representing a conventional PC utilizing a Novell network protocol (col. 5, lines 39-42), where a PC is equipped with a telephone client module TCM (174), and bits of signaling information, which are fashioned according to a PBX telecommunications standard, are transmitted in packets to the telephone (col. 4, lines 35-48). The PC receives the packets in a customary manner and processes these according to the standard Novell protocol, and the signaling contained in the packets is removed and forwarded to the TCM 174 (col 5, lines 31-53; col 9, lines 42-67). In order to process the signaling, the TCM 174 has only one protocol stack which is exclusively reserved for processing the PBX protocol (col. 1, lines 65-67: “[i]t is an object of the present invention to provide an improved network based PBX system that integrates voice and data traffic within a single network infrastructure”).

Furthermore, the combination of the APA and Bartz is improper, since Bartz teaches that the Novell/PBX protocol is the only telecommunications protocol that is supported by the PC, and an additional packet-oriented telecommunications protocol is not supported within the teaching of Baratz. This clearly teaches away from the APA. For at least these reasons, Applicant submits the rejections under 35 U.S.C. §103 are improper and should be withdrawn

In light of the above, Applicant submits that the present claims are allowable. Applicant also requests that a timely Notice of Allowance be issued in this case. Should there be any additional charges regarding this application, the Examiner is hereby authorized to charge Deposit Account 02-1818 for any insufficiency of payment.

Respectfully submitted,

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